

REMARKS

This amendment is in response to the Office Action mailed on March 31, 2003. Claims 1-28 have been amended and new claims 46-56 have been added. Claims 1-56 are therefore pending.

The Examiner notes that applicants' information disclosure statement filed on December 17, 2002 failed to comply with 37 C.F.R. § 1.198(a)(1), which requires a separate listing of the submitted references. Accordingly, applicants submit herewith a separate listing of the prior art references, *i.e.*, Japanese Application No. 08-265726 (with front page translation) and U.S. Patent No. 5,661,787 to *Pocock*, which references were previously submitted with the December 17, 2002 information disclosure statement along with a copy of the Chinese Official Action (and translation) received in applicants' corresponding Chinese patent application citing such references. Applicants respectfully request that the Examiner consider these references and include a copy of the initialed PTO-1449 form with the next communication to applicants.

The Examiner has rejected claims 3, 4, 12, 13, 21 and 22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention, noting that the limitation "the same music material" lacks sufficient antecedent basis. Applicants have now amended these claims to clarify that "the same music material" consists of the same audio broadcast material and the same digital data, which is repeatedly transmitted in each of the plurality of audio broadcasts, as shown for example in Figure 5 of the present application. Accordingly, applicants believe that sufficient antecedent basis has now been provided and respectfully request the Examiner to withdraw the rejection of claims 3, 4, 12, 13, 21 and 22 under § 112, second paragraph.

Turning to the rejections based on prior art, the Examiner has rejected claims 1, 2, 5, 6 and 9 under 35 U.S.C. § 102(e) as being anticipated by *Knox*, U.S. Patent No. 6,212,359 ("*Knox*").

Applicants have now amended these claims to more specifically define the "digital data for an audio information screens corresponding to a transmitted audio broadcast." Namely, as now provided in the amended claims, this digital data includes "interactive GUI data used to generate an interactive on-screen display to allow interaction between a user and a display." Such interaction is shown, for example, in Figures 2A and 2B of the present application, in which GUI data elements such as demo button 44, download button 45, etc. are displayed on an interactive display screen to allow user interaction with the interactive GUI display. This type of information is not provided by *Knox*, which merely supplies information such as the composer, title track, artist, etc. to the digital receiver/tuner (DRT) unit 200. This type of information is similar to the supply of a plurality of audio broadcast material of audio digital data as set forth in the present application, not the type of information multiplexed on the transmitting side, for instance, from a GUI data server 14 as shown in the Figures.

The receipt and use of such digital data for an audio information screen is described in more detail at page 12 and at pages 15-16 of the present application. The provision of such digital data including *interactive GUI data used to generate an interactive on-screen display* is not disclosed nor suggested by *Knox*.

Claims 10, 11, 14-20, 23-25 and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,230,322 to *Saib et al.* ("*Saib*"). With respect to this rejection, the Examiner contends that the limitation of

"download data supply means" (e.g., claim 19) reads on decompressing compressed video and audio output as disclosed in column 5, lines 33-37 of *Saib*. In this section of *Saib*, it is only disclosed that the video and audio received by main logic block 410 are decompressed in accordance with MPEG, JPEG or other video decompression functions. In contrast to *Saib*, the claims of the present application have now been amended to recite that there are two types of audio data being transmitted or supplied. First, there is a supply of a video broadcast material composed of both moving picture digital data and *first audio digital data* corresponding thereto. An example of such video broadcast material is described in the present application, for example, with respect to Figure 9, and particularly program broadcast material server 11. Such a server could broadcast, for example, a conventional music TV program as described on page 39 of the application.

In addition to this first audio digital data corresponding to the moving picture digital data, there is a separate type of audio data, namely *download audio data*, which is provided separately from the first audio digital data, and compressed corresponding to a predetermined compressing format. Such download audio data would, for instance, be supplied from a download audio data material server 13 as shown in Figure 9. These separate supplies of data namely, (1) video broadcast material including moving picture digital data and first audio digital data corresponding thereto, (2) a plurality of audio broadcast materials of audio digital data, (3) digital data for an audio information screen, and (4) download audio data separate from the first audio digital data and compressed corresponding to a predetermined compressing format, are all multiplexed and transmitted (claims 19, 20 and 27) or received (claims 23, 24 and 25).

Based on the foregoing, it is clear that none of the pending claims are anticipated or rendered obvious by the *Knox* or *Saib* prior art references and it is respectfully requested that the anticipation rejections be withdrawn.

The Examiner has noted that claims 7, 9, 26 and 28-45 are allowed. Minor stylistic and grammatical amendments have been made to some of these claims and applicants believe such amended claims remain allowable. In addition, applicants have presented new claims 46-56, which correspond to allowed claims 28-31, 36-40, 42 and 44, respectively.

Applicants have also amended the specification to correct for a number of typographical errors uncovered.

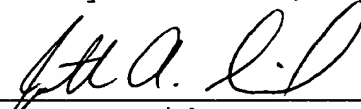
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 26, 2003

Respectfully submitted,

By 
Jonathan A. David
Registration No.: 36,494
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicants